

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
) No. 21 CR 316
v.)
) Judge Andrea R. Wood
MATTHEW SCHWARTZ)

**MOTION OF THE UNITED STATES FOR ENTRY OF
FINAL ORDER OF FORFEITURE**

The UNITED STATES OF AMERICA, through MORRIS PASQUAL, Acting United States Attorney for the Northern District of Illinois, moves for entry of a final order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 2253, and Federal Rule of Criminal Procedure 32.2, and in support thereof submits the following:

1. On August 23, 2022, a superseding information was filed charging defendant MATTHEW SCHWARTZ with knowingly possessing material, namely a SanDisk USB thumb drive that contained an image of child pornography as defined in Title 18 United States Code, Section 2252A(a)(5)(B). The superseding information sought forfeiture to the United States of property that was used, or intended to be used, to commit and to promote the commission of the charged offenses.

2. On August 23, 2022, pursuant to Federal Rule of Criminal Procedure 11, defendant MATTHEW SCHWARTZ entered a voluntary plea of guilty to the indictment. Pursuant to the terms of his plea agreement, as a result of his violation of Title 18, United States Code, Section 2252A(a)(5)(B), defendant MATTHEW SCHWARTZ agreed that the certain property is subject to forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253. The property subject to forfeiture includes but is not limited to a San Disk USB thumb drive.

3. Defendant MATTHEW SCHWARTZ further agreed to the entry of a preliminary order of forfeiture relinquishing any right of ownership she has in the subject property so that the property may be disposed of according to law.

4. On December 12, 2022, the Court entered a preliminary order of forfeiture forfeiting all right, title, and interest of defendant MATTHEW SCHWARTZ in the subject property. The preliminary order of forfeiture also directed the United States to seize and take custody of the subject property. Further, the United States was ordered to publish notice of the government's intention to forfeit the foregoing property and dispose of the property according to law.

5. Pursuant to Title 21, United States Code, Section 853(g), as incorporated by Title 18, United States Code, Section 2253(b), the Federal Bureau of Investigation, seized and took custody of the subject property for disposition according to law. A copy of the attestation form is attached hereto as Exhibit A.

6. Pursuant to the provisions of Title 21, United States Code, Section 853(n)(1), as incorporated by Title 18, United States Code, Section 2253(b), notice of the criminal forfeiture proceedings against defendant MATTHEW SCHWARTZ was posted on an official government internet site for at least 30 consecutive days beginning on December 15, 2022. A copy of the declaration of publication is attached hereto as Exhibit B.

7. The preliminary order of forfeiture was served pursuant to the district court's ECF system as to ECF filers. Pursuant to the provisions of Title 21, United States Code, Section 853(n)(1), as incorporated by Title 18, United States Code, 2253(b), no other parties are known to have an interest in the property and accordingly, no other parties were served with a copy of the notice of forfeiture and preliminary order of forfeiture.

8. To date, no petitions have been filed requesting a hearing to adjudicate any interest in the subject property in this case, and the time in which to do so has expired.

WHEREFORE, pursuant to the provisions of Title 18, United States Code, Section 2253 and Federal Rule of Criminal Procedure 32.2, the United States requests that this Court enter a final order of forfeiture as to a San Disk USB thumb drive, in accordance with the draft final order of forfeiture which is submitted herewith.

Respectfully submitted,

MORRIS PASQUAL
Acting United States Attorney

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Dated: April 12, 2023